

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

----- X  
ASSOCIATION FOR MOLECULAR )  
PATHOLOGY; AMERICAN COLLEGE OF )  
MEDICAL GENETICS; AMERICAN )  
SOCIETY FOR CLINICAL PATHOLOGY; )  
COLLEGE OF AMERICAN )  
PATHOLOGISTS; HAIG KAZAZIAN, MD; )  
ARUPA GANGULY, PhD; WENDY )  
CHUNG, MD, PhD; HARRY OSTRER, MD; )  
DAVID LEDBETTER, PhD; STEPHEN )  
WARREN, PhD; ELLEN MATLOFF, M.S.; )  
ELSA REICH, M.S.; BREAST CANCER )  
ACTION; BOSTON WOMEN’S HEALTH )  
BOOK COLLECTIVE; LISBETH CERIANI; )  
RUNI LIMARY; GENAE GIRARD; )  
PATRICE FORTUNE; VICKY )  
THOMASON; KATHLEEN RAKER, )  
 )  
Plaintiffs, )  
 )  
-against- )  
 )  
UNITED STATES PATENT AND )  
TRADEMARK OFFICE; MYRIAD )  
GENETICS; LORRIS BETZ, ROGER )  
BOYER, JACK BRITTAIN, ARNOLD B. )  
COMBE, RAYMOND GESTELAND, )  
JAMES U. JENSEN, JOHN KENDALL )  
MORRIS, THOMAS PARKS, DAVID W. )  
PERSHING, and MICHAEL K. YOUNG, in )  
their official capacity as Directors of the )  
University of Utah Research Foundation, )  
 )  
Defendants. )

No. Civil Action No. 09-4515 (RWS)

ECF Case

**DECLARATION OF BRIAN M.  
POISSANT**

----- X  
I, Brian M. Poissant, hereby declare:

1. I am principal counsel for Defendants Myriad Genetics et al. (collectively, “Myriad”) in the above-captioned case.

2. On August 16, 2012, the United States Court of Appeals for the Federal Circuit entered judgment and taxed costs in favor of Myriad, in appeal No. 2010-1406.

3. The costs requested in the accompanying bill of costs are allowable by law, are correctly stated, and were necessarily incurred for the appeal.

4. Attached as Exhibit A is the bill for the transcript purchased for purposes of the appeal, which was \$157.14.

5. Attached as Exhibit B is the bill for the filing fee for the appeal, which was \$455.

6. As the accompanying bill of costs indicates, these costs total \$612.14.

7. As the accompanying notice of hearing indicates, Myriad requests that the costs be taxed against Plaintiffs on Wednesday, September 26, 2012, at 10 a.m.

Executed on September 17, 2012

s/ Brian M. Poissant  
Brian M. Poissant

**CERTIFICATE OF SERVICE**

This is to certify that on September 17, 2012, a true and correct copy of the foregoing document has been served on all counsel of record via the court's ECF system, as well as by overnight delivery. In addition, two hard copies were filed by hand with the Court.

/s/ Brian M. Poissant  
\_\_\_\_\_  
Brian M. Poissant